UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
SHAWN PETERS,

Plaintiff,

- v -

THE CITY OF NEW YORK, et al.,

Defendants.
---x

SCHEDULING ORDER

CV-10-3544 (JBW)(VVP)

APPEARANCES:

Plaintiff: Robert Marinelli, Esq.
Defendant: Katherine Smith, Esq.

The above numbered matter having been referred to the undersigned for pretrial supervision and the preparation of the scheduling order required by Rule 16(b) of the Federal Rules of Civil Procedure, and a scheduling conference having been held with the parties, the following schedule is hereby established:

1. FACTUAL DISCOVERY

a) Initial disclosures required by Rule 26(a)(1) have been made by the plaintiff; they are to be made by the defendants within 10 days;

b) All discovery of factual matters is to be completed by April 10, 2011;

c) No requests for admissions (other than admissions concerning the authenticity of documents), document requests or interrogatories may be propounded after March 10, 2011;

d) The above deadlines will not be extended unless the party seeking the extension makes a compelling showing that discovery could not be completed because of unforeseeable circumstances beyond that party's control.

2. EXPERT DISCOVERY

a) Expert testimony is not contemplated.

3. **MOTIONS**

a) Motions to compel discovery or to resolve other non-dispositive pretrial disputes shall be made by letter in accordance with Local Civil Rule 37.3. No such motion will be entertained without a written certification that counsel have attempted to confer in good faith either by telephone or in person in an effort to resolve the dispute. **All such motions shall be made promptly after the dispute has arisen and no later than ten days after the expiration of the factual discovery deadline;**

b) The plaintiff is granted leave to serve and file an amended complaint identifying the "Jane Doe" defendant within 30 days. Motions to join additional parties, whether by amended or third-party complaint, are not otherwise contemplated;

c) Motions to amend pleadings to add claims or defenses shall be filed by February 10, 2011;

d) The deadline for making dispositive motions is May 10, 2011. Any such motions shall be addressed to, and shall be made in accordance with the individual rules of practice of, the judge to whom the case is then assigned for trial.

4. **CONFERENCES AND OTHER MATTERS**

a) A status conference will be held by telephone on **February 11, 2011 at 3:30 p.m.**, to be initiated by counsel for the plaintiff (Chambers: 718-613-2400);

b) A pretrial conference will be held before the undersigned on **a date to be scheduled**. As meaningful settlement discussions will occur at the pretrial conference, clients or other persons with full settlement authority must be available by telephone. In addition, not later than two weeks before the conference, the plaintiff shall communicate a demand for settlement in writing to counsel for the defendants.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
December 10, 2010